

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In Re:

Chapter: 13
Case No.: 21-47581
Judge: Tucker

James M. Nagle,

Debtor(s)

**NOTICE OF OBJECTION TO CLAIM OF
RMPT TRUST, SERIES 2021 BKM-TT-V
PROOF OF CLAIM #5**

Debtors, through counsel, have filed an objection to the claim of RMPT Trust, Series 2021 BKM-TT-V in this bankruptcy case.

Your claim may be reduced, modified, or denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to deny or change your claim, then on or before February 3, 2022 you or your lawyer must:

1. File with the court a written response to the objection, explaining your position at:

United States Bankruptcy Court
211 West Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

HS&A, P.C., 26676 Woodward Ave., Royal Oak, MI 48067;

Trustee: tammy L. Terry, 535 Griswold, Suite 2100, Detroit, MI 48226;

2. Attend the hearing on the objection, scheduled to be held on **February 10, 2022**, at **9:00 a.m.** in Courtroom 1925, United States Bankruptcy Court, 211 West Fort Street, Detroit, Michigan, unless your attendance is excused by mutual agreement between yourself and the objector's attorney.

If you or your attorney do not take these steps, the Court may deem that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.

Dated: December 16, 2021

/s/ Marguerite Hammerschmidt
Marguerite A. Hammerschmidt (P53908)
Timothy P. Stickrad (P57110)
Attorneys for Debtor
26676 Woodward Ave.
Royal Oak, MI 48067
(248) 988-8335

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OBJECTION TO PROOF OF CLAIM
RMPT TRUST, SERIES 2021 BKM-TT-V
PROOF OF CLAIM #5

Now comes debtor through counsel and states:

1. Debtor filed for relief under Chapter 13 on September 22, 2021.
2. On December 1, 2021 Secured Creditor, RMTP Trust, Series 2021 BKM-TT-V filed a secured proof of claim for a mortgage on the debtor's residence located at 24048 Huron River Dr., Rockwood, MI 48173 in the amount of \$121,372.24 with an arrears of \$26,638.47.
3. According to the Debtor's records and a trial loan modification that has been entered into their presently is no arrears on the mortgage.

Wherefore, debtors request that the court disallow the Proof of Claim by RMPT Trust, Series 2021 BKM-TT-V.

Dated: December 16, 2021

/s/ Marguerite Hammerschmidt
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PROOF OF SERVICE

On the 14th day of December 2021, a copy of the **Notice of Objection to Claim, Objection to Proof of Claim** and this **Proof of Service** were mailed by first class service by placing in a United States Mailbox in the City of Royal Oak or by electronic transfer to the following:

U.S. Trustee, 211 West Fort Street, Suite 700, Detroit, MI 48226;

Tammy L. Terry, 535 Griswold, Suite 2100, Detroit, MI 48226;

RMPT Trust, Series 2021, BKM-TT-V for Rushmore Loan Management
Services, P.O. Box 55004, Irvine, CA 92619-2708

/s/ Marguerite Hammerschmidt
Marguerite Hammerschmidt, employee of
HS&A, P.C.

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN THE MATTER OF:

James M. Nagle,
Debtor.

Chapter **13**
Case No.: 21-47581
Judge: Tucker

**ORDER SUSTAINING OBJECTION TO PROOF OF CLAIM #5
RMPT TRUST, SERIES 2021 BKM-TT-V**

This matter having come on for hearing before the Court by way of the objection of the debtor to the allowance of the claim of the above-referenced creditor, service having been made with notice of hearing allowing a (33) day notice pursuant to Bankruptcy Rule 3007, a Notice of Objection having been served and a certificate of non-response having been filed with the court;

NOW THEREFORE IT IS HEREBY ORDERED THAT;

The objection to the Proof of Claim filed by the above-referenced creditor is hereby sustained. To the extent that the Chapter 13 Standing Trustee has previously made disbursements to such creditor, the Trustee shall not be obligated to recoup same.

IT IS FURTHER ORDERED AS FOLLOWS: [Only provisions checked below apply]

- ☒ Claim shall be disallowed
- ☐ Claim shall be unsecured.
- ☐ Claim shall be reduced to
- ☐ Other: